

Optionally, there may be also made exchanges in the 5' conserved region of the wild type consisting of 13 nucleotides, e.g. in positions 3 and 8 again with the proviso that the inserted nucleotides form a base pair. The 5' conserved regions of wild type influenza viruses have the following sequences:

influenza A: (5')-AGUAGAAACAAGG-3' (SEQ ID NO:4)
influenza B: (5')-AGUAG(A/U)AACA(A/G)NN-3' (SEQ ID NO:5)
influenza C: (5')-AGCAGUAGCAAG(G/A)-3' (SEQ ID NO:6)

Please replace the paragraph beginning at page 9, line 27, with the following rewritten paragraph:

Preferably, those mutants of the influenza virus are used in the present invention wherein the alterations G3A and C8U may be made in the 3' conserved region. Most preferable influenza mutants are the influenza A mutants and particularly those mutants which additionally show the U5C exchange (the above-mentioned mutants are numbered starting from their 3' ends; counting from the 3' end is indicated by a line above the number such as G3A). Further preferred influenza mutants comprise the mutations G3C, U5C, and C8G (counted from the 3' end) in the 3' terminal nucleotide sequence resulting in the following 3' terminal nucleotide sequence:

(5')-CCUGGUUCUCCU-3' (SEQ ID NO:7)

Please replace the paragraph beginning at page 10, line 7, with the following rewritten paragraph:

Among the influenza viruses defined above those are particularly preferred which show the following 3' terminal nucleotide sequence:

(5')-CCUGGUUCUACU-3' (SEQ ID NO:8)

Please replace the paragraph beginning at page 10, line 18, with the following rewritten paragraph:

The most preferred influenza promoter-up variants of the present invention have the following general structures:

influenza A (promoter-up variant '1104'):

5'-AGUAGAAACAAGGNNNUUUUU...(880-2300 ntd)...N'N'N'CCUGUUUCuACU-3'
(SEQ ID NO:9) (SEQ ID NO:11)

5'-AGUAGAAACAAGGNNNUUUUUUU...(880-2300 ntd)...N'N'N'CCUGUUUCuACU-3'

(SEQ ID NO:10)

(SEQ ID NO:11)

influenza A (promoter-up variant '1920'):

5'-AGAAGAAUCAAGGNNNUUUUU... (880-2300 ntd)...N'N'N'CCUGUUUCUACU-3'

(SEQ ID NO:12)

(SEQ ID NO:14)

5'-AGAAGAAUCAAGGNNNUUUUU... (880-2300 ntd)...N'N'N'CCUGUUUCUACU-3'

(SEQ ID NO:13)

(SEQ ID NO:14)

influenza A (promoter-up variant '1948'):

5'-AGUAGAAACAGGNNNUUUUU... (880-2300 ntd)...N'N'N'CCUGGUUCUCCU-3'

(SEQ ID NO:15)

(SEQ ID NO:17)

5'-AGUAGAAACAGGNNNUUUUU... (880-2300 ntd)...N'N'N'CCUGGUUCUCCU-3'

(SEQ ID NO:16)

(SEQ ID NO:17)

influenza B:

5'-AGUAG(AU)ACA(A/G)NNNNNUUUUU... (880-2300 ntd)...N'N'N'N'(C)UGUUUCUACU-3'

(SEQ ID NO:18)

(SEQ ID NO:20)

5'-AGUAG(AU)ACA(A/G)NNNNNUUUUU... (880-2300 ntd)...N'N'N'N'(C)UGUUUCUACU-3'

(SEQ ID NO:19)

(SEQ ID NO:20)

influenza C:

5'-AGUAGUAACAAG(G/A)GUUUUU... (880-2300 ntd)...CCCCUGUUUCUACU-3'

(SEQ ID NO:21)

(SEQ ID NO:23)

5'-AGUAGUAACAAG(G/A)GUUUUU... (880-2300 ntd)...CCCCUGUUUCUACU-3'

(SEQ ID NO:22)

(SEQ ID NO:23)

Please delete the Sequence Listing as filed and insert in place thereof the Sequence Listing enclosed herewith.

REMARKS

A substitute Sequence Listing is enclosed herewith as a paper copy and as a computer-readable formatted disk. The contents of the paper and computer readable copies are identical. A statement to the effect is also enclosed. A copy of the Sequence Listing Error Report issued by the U.S. Patent and Trademark Office is also enclosed. The substitute Sequence Listing has been amended to comply with the requirements of 37 C.F.R. § 1.821-1.825. No new matter is introduced in the substitute Sequence Listing.

The specification has been amended to properly refer to disclosed sequences using a relevant sequence modifier (SEQ ID NO:). Attached hereto